IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 3306 OF 2006

Smt. Vishakha N. Ganvir .... Petitioner

versus

Poona District Education
Association, through Secretary & ors... Respondent.

Shri A.R.Joshi for the petitioner
Shri Sanjay D.Rayrikar for Respondents 1 to 3.

CORAM; A.P. DESHPANDE, J.
DATED; 21ST FEBRUARY, 2007

P.C.;

1. Present petitioner had moved the College Tribunal by filing an appeal seeking to quash and set aside the orders of appointment on CHB basis and also seeking to treat the appellant as a regular appointee. Some such other relief is also claimed which is outside the purview of section 59 of the Maharashtra University Act. Hence the tribunal has rejected the appeal on account of want of jurisdiction. The learned counsel for the petitioner is unable to point out as to how come the appeal is maintainable before the tribunal as the same was neither directed against the order of dismissal, removal, termination or reduction in rank and the appeal itself was misconceived. The tribunal has rightly rejected the same. No case is made out for interference of the order impugned.

2. However the learned counsel appearing for the petitioner points out the observations made by the tribunal in para 12 of the judgment stating that the respondents 1 and 2 have forwarded proposal to the Director of Board of College and University Department, with necessary documents and relaxation has been prayed for. The learned counsel submits that the matter is still pending with the authority concerned and is yet undicided. He seeks liberty to file writ petition seeking a writ of mandamus. Writ petition is this summarily dismissed. However the petitioner shall be at liberty to file appropriate petition seeking a writ of mandamus for seeking appropriate orders against the Director of Board of College and University Department, for decidion of the proposal.

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